

Chapter 2

ADMINISTRATION

Section 2.1 Metropolitan Council

The Metropolitan Council shall have all the powers and duties relating to planning and zoning that are conferred or imposed on the legislative bodies of cities by the General Laws of the State.

Section 2.2 Planning Commission

Section 2.2.1 Membership

A. Composition

The Planning Commission shall consist of nine members, as follows:

1. One member shall be a member of the Metropolitan Council who shall be appointed by the latter for a term coincident with his term on the Council;
2. One member shall be the Mayor-President or an officer or employee of the City designated by the Mayor-President from time to time; and,
3. Seven members shall be qualified voters and taxpayers of East Baton Rouge Parish, three of whom must reside in the rural area and four must reside in the City of Baton Rouge. These members shall be appointed by the Metropolitan Council for a term of four years.

B. Vacancies

1. Any member who fails to attend 75 percent of all regularly scheduled meetings in any calendar year shall no longer be eligible to serve.
2. The Metropolitan Council may remove members only for official misconduct or neglect of duty.
3. The unexpired portion of the term of any member of the Planning Commission shall be filled by the entity responsible for the appointment.

Section 2.2.2 Organization

A. Officers

The Planning Commission, at its first meeting of each year, shall elect one of its members to be chairman and another member to be the vice chairman for terms of one year respectively, with each eligible for re-election.

B. Rules

The Planning Commission shall adopt rules of procedure in which it shall fix the time for its regular meetings, which shall be held at least once a month.

Section 2.2.3 Authority

- A. The Planning Commission shall constitute a Parish Planning Commission in respect of that portion of the Parish outside the City of Baton Rouge and other municipalities and shall in that capacity have all the powers and duties conferred or imposed on Parish Planning Commissions by the General Laws of the State. The Planning Commission shall likewise constitute a City Planning Commission for the City of Baton Rouge and in that capacity shall have all the powers and duties conferred or imposed on City Planning Commission by the General Laws of the State.
- B. The Planning Commission shall constitute the Zoning Commission provided for by the General Laws of the State. No ordinance, nor resolution, adopting, amending, supplementing, changing or modifying any regulation, other than amendments to Chapter 15, Floodways, Floodplains, Drainage, and Water Quality, or restriction or district boundary authorized by such laws to be made by the governing authority of the Parish shall be passed by that body until such ordinance or resolution has been submitted to and approved or disapproved by the Planning Commission acting in its capacity as Zoning Commission.
- C. The Planning Commission shall appoint and remove, subject to the provisions of Chapter 9 of the Plan of Government, such employees as it may deem necessary for its work, and shall have authority to contract with planning experts, engineers, architects, and other consultants; provided that the expenditures of the Planning Commission, exclusive of amounts received by contribution, shall be limited to the appropriations for the purpose made by the Metropolitan Council.
- D. The Planning Commission shall hear appeals of decisions of the Planning Director. Such appeals shall be filed in writing at the first submittal deadline following the decision of the Planning Director being appealed and heard at the public hearing corresponding to that submittal date.

Section 2.3 Board of Adjustment

Section 2.3.1 Membership

A. Composition

- 1. The Board of Adjustment, as provided in Louisiana Revised Statutes §33:4727, shall consist of five members, and may include two alternate members, all of whom shall be landowners and qualified voters in the parish.
- 2. Members shall be appointed for terms of five years each.

B. Vacancies

Any member who fails to attend 75 percent of all regularly scheduled meetings in any calendar year shall no longer be eligible to serve.

Section 2.3.2 Organization

A. Officers

The Board of Adjustment shall elect one of its members to be chairman and another member to be the vice chairman for terms of one year respectively, with each eligible for re-election. Such

chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses.

B. Rules

The Board of Adjustment shall adopt rules of procedure in which it shall fix the time for its regular meetings, which shall be held at least once a month. All meetings of the Board shall be open to the public.

Section 2.3.3 Authority

A. General

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public records. A majority vote of members of the Board shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass under the Unified Development Code or to effect any variation.

B. Interpretation

The Board may interpret the provisions of the Unified Development Code in order to carry out the intent and purpose of the zoning map where the street layout on the ground varies from the street layout as shown on the zoning map.

C. Appeals

The Board may hear appeals of enforcement decisions of the Building Official where it is alleged there is an error in the order, requirement, decision, or determination made by the Building Official in the enforcement of the Unified Development Code.

D. Variances

The Board shall have the authority to vary some requirements of the Unified Development Code where topographic or other extraordinary conditions specific to the property in question would make strict application of the regulations impractical or result in a hardship preventing reasonable use of the property and no other means of obtaining relief is provided in the UDC. Variances shall only be granted for the purposes listed below when there will be no substantial negative impact on surrounding properties.

1. Yard requirements may be varied only if there is an unusual physical condition of a lot that is not generally prevalent in the neighborhood and which condition, when related to the yard regulations of the zoning district, would prevent a reasonable or sensible arrangement of buildings on the lot.
2. Yard requirements may be varied in cases where a change or alteration of property has resulted from expropriation proceedings to allow a reasonable use of the property.
3. Yard requirements may be varied when strict application of the regulations would impose an undue hardship, such as the tearing down of a structure, or a portion of a structure, that was legally permitted and is substantially complete. Inconvenience of the property owner or other interested party(s) shall not be considered to demonstrate hardship
4. In no case may side yards be reduced to less than three feet.

5. In no case may yards be reduced if the reduction would conflict with required landscape buffers or required sight triangles

E. Exceptions

The Board shall have the authority to permit only the exceptions to the provisions of the Unified Development Code listed below.

1. To permit the expansion of a non-conforming structure, provided that no new violations of setbacks or required landscape buffers are created.
2. To permit the reconstruction of a non-conforming building that has been destroyed or partially destroyed by fire or act of God.
3. To permit the location of an individual manufactured home in the A, B1, C1 and C2 zoning districts in the event that a residence is damaged or destroyed by storm, fire or act of God; provided that such manufactured home is allowed only for the period of time required to construct a new residence. This exception shall be for a period not to exceed one year, though it may be extended for one additional year.
4. To permit the location of an individual manufactured home on a lot with an existing residence in any zoning district provided that the applicant for such an exception demonstrates to the satisfaction of the Board that:
 - (a) An additional permanent residence is not justified or feasible; and,
 - (b) The need is based upon:
 - (1) The requirements for housing of aged, ill or otherwise incapacitated family members, or wards for which the existing residents are responsible; or,
 - (2) The physical or economic need for housing of individuals for whom existing residents have responsibility or family relationship; and,
 - (c) Any manufactured home allowed to be located under the provisions of this section shall not be occupied by or rented to anyone other than the person for whom the permit was applied.
 - (d) This exception shall be for a period not to exceed one year, though it may be extended.
5. To permit the location of an individual manufactured home on a lot of at least three acres with an existing residence in any zoning district provided that the property is adequately served with a means of sewage treatment and disposal approved by the Parish Health Unit for use of the landowner's family member. This exception shall be for a period not to exceed one year, though it may be extended for one additional year.
6. To permit the location of an individual manufactured home on a lot to provide housing for security personnel for protection of commercial or industrial properties.
7. To permit an increase in the height of a fence or wall in a front or corner side yard, provided

that the fence or wall is set back at least 15 feet from the edge of the street and is not located within any required sight triangle.

8. To permit the construction of an outdoor kitchen. Such a kitchen shall be located in the rear yard and located at least three feet from any side lot line and ten feet from any rear lot line.
9. To permit the construction on a residential lot of an accessory structure that is greater than 1,000 square feet in area provided that accessory structures on the lot do not exceed 30 percent of the rear yard area.

F. Notice

Before any public hearing on a requested variance or exception, the Department of Development shall require the applicant post a sign on or adjacent to the property that is in the subject of the hearing. This sign shall be:

1. White in color;
2. A minimum size of 18 inches by 24 inches in size, and;
3. Shall include the following information printed in a minimum font size of 20:
 - (1) The nature of the request;
 - (2) The date, time and place of the public hearing; and,
 - (3) The phone number for the Department.

G. Appeals

Any person aggrieved by any decision of the Board of Adjustment may appeal to the decision of the Board to the 19th Judicial District Court within 30 days after the decision of the Board.

H. Period of Validity of Board Actions

No order of the Board of Adjustment authorizing a variance or an exception shall be valid for a period longer than one year from the date of such order, unless substantial construction or change of use has commenced in accordance with the plans for which such variance or exception was authorized, unless the Board of Adjustment specifies a period longer than one year at the time of approval. Such longer approval period may only be granted for good cause shown.

Section 2.4 Historic Preservation Commission

Section 2.4.1 Establishment

- A. The East Baton Rouge Parish Historic Preservation Commission (HPC) shall serve as an “Historic District Commission” pursuant to Louisiana Revised Statutes §25:732 to aid in the preservation and protection of buildings, sites, monuments, structures and areas of historic interest or importance through their protection, maintenance and development as historic landmarks and their recognition as such in the history and traditions of the state and nation; to establish and improve property values; and to foster the economic development of the areas affected.

- B. The HPC shall be administratively supported by the staff and funded through the budget of the Office of the Planning Commission.
- B. The Parish Attorney shall be the ex officio attorney for the HPC.

Section 2.4.2 Membership

A. Composition

1. The HPC shall consist of seven members, who shall be residents of the City-Parish. The members shall be appointed by majority vote of the Metropolitan Council. At least one member of the HPC shall be a resident or property owner of a locally designated historic district.
2. Members of the HPC shall have a demonstrated interest, competence, or knowledge in historic preservation as evidenced by training or experience in architecture, history, architectural history, planning, archaeology, real estate development, construction or other related fields.
2. The members shall hold office for a term of four years. None of the members of the HPC shall serve more than two consecutive full, four-year terms.
3. All members shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties.
4. Each member shall complete at least one training session per year as required by the Louisiana Certified Local Government Program Guidelines.
5. Members shall not vote on issues in which they have a conflict of interest, consistent with State ethics requirements.

B. Vacancies

1. Any member who fails to attend 75 percent of all regularly scheduled meetings in any calendar year shall no longer be eligible to serve on the HPC.
2. The Metropolitan Council may remove any member of the HPC for cause, on written charges, after a public hearing.
3. Any vacancy in membership shall be filled for the unexpired term by appointment by the Metropolitan Council.

Section 2.4.3 Organization

A. Officers and Committees

1. A chairman and vice chairman shall be elected annually at the first meeting of each year from the members of the HPC.

2. The HPC may designate and the chairman may appoint, from among its members, various committees with such powers and duties as the HPC may prescribe.

B. Rules

1. The HPC shall adopt rules for the transaction of its business, copies of which shall be available in the Office of the Planning Commission.
2. The HPC shall meet at least quarterly, and shall meet monthly whenever applications for public hearing COAs are pending. Additional meetings may be held on written request of any HPC member or the Mayor-President.

Section 2.4.4 Authority

The East Baton Rouge Parish Historic Preservation Commission shall be authorized to:

- A. Protect, enhance, and perpetuate resources that represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity;
- B. Provide a review process for the preservation and appropriate development of the City-Parish's resources, including the development and approval of design guidelines for use in this purpose as well as review applications for Certificates of Appropriateness on private property, and approve, approve with conditions, or deny the Certificates of Appropriateness in accordance with the provisions of the Unified Development Code;
- C. Promote the use of resources for the education, pleasure and welfare of the people of the City of Baton Rouge/Parish of East Baton Rouge;
- D. Advise any governmental agency of the State or local government, other than the governing body, prior to the initiation of any substantive change, modification, renovation, restoration or construction to or upon any historic site within the HPC's jurisdiction, pursuant to Louisiana Revised Statutes §25:742;
- E. Prepare an inventory of all property within its jurisdiction having the potential for designation as historic property;
- F. Recommend to the Planning Commission and the Metropolitan Council specific places, districts, sites, buildings, structures, objects, or works of art to be designated by ordinance as historic properties;
- G. Recommend to the Planning Commission and Metropolitan Council that the designation of any historic place, district, site, building, structure, object, or work of art as historic property be revoked or removed;
- H. Recommend to the City-Parish restoration or preservation guidelines of any properties acquired by the City-Parish Government;
- I. Promote the acquisition by the City-Parish of preservation easements;

- J. Make such investigation and studies of matters relating to historic preservation as the local governing body or the HPC may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- K. Apply for State and federal funds for historic preservation, and make recommendations to the Metropolitan Council concerning the most appropriate uses of any funds acquired;
- L. Consult with experts;
- M. Maintain Certified Local Government status with the Division of Historic Preservation of the Department of Culture, Recreation, and Tourism;
- N. Perform historic preservation activities as the official agency of the Baton Rouge City-Parish historic preservation program;
- O. Recommend to the Metropolitan Council the acquisition or sale of historic properties or the acceptance by the City-Parish of donations, grants, funds, or gifts of historic property on behalf of the HPC; and,
- P. Recommend to the Metropolitan Council incentives that can be expected to encourage the preservation of the community's historic resources and provide a positive incentive to affected property owners.